

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA

- (1) THERESA MARIE SANDERS, AN INDIVIDUAL,
- (2) ADRIAN KEMOHAH SANDERS, AN
INDIVIDUAL,
- (3) MAHADA BERNADETTE SANDERS, AN
INDIVIDUAL,
- (4) JAMES P. BOESE, AN INDIVIDUAL,
- (5) MONICA BOESE, AN INDIVIDUAL,
- (6) ALYSHA BOESE, AN INDIVIDUAL,

PLAINTIFFS/COUNTERCLAIM
DEFENDANTS,

V.

- (1) GRAND RIVER DAM AUTHORITY,

DEFENDANT/COUNTERCLAIMANT/
THIRD-PARTY PLAINTIFF,

V.

- (1) KAMO ELECTRIC COOPERATIVE, INC.,
- (2) NOAH KEMOHAH, AN INDIVIDUAL,
- (3) 15 ACRES OF LAND IN OSAGE COUNTY,
OKLAHOMA,
- (4) THE UNITED STATES, AND
- (5) FRED G. DRUMMOND RANCHES, INC.,

THIRD-PARTY DEFENDANTS.

CASE NO.: 24-CV-00258-MTS
MAGISTRATE JUDGE
MARK T. STEELE

**JURY TRIAL DEMANDED
ATTORNEY'S LIEN CLAIMED**

JOINT STATUS REPORT

Plaintiffs Theresa Marie Sanders, Adrian Kemohah Sanders, Mahada Bernadette Sanders, James P. Boese, Monica Boese, and Alysha Boese ("Plaintiffs"), Defendant Grand River Dam Authority ("Defendant"), and KAMO Electric Cooperative, Inc. ("KAMO") submit this Joint Status Report, pursuant to the Court's Order of February 25, 2025 (Doc. No. 44).

I. Discovery Cutoff Date: September 26, 2025

II. Status of Written Discovery:

- a. First Set of Discovery Issued by Plaintiff: January 21, 2025
 - i. Defendant's Responses: Exchanged by agreement on March 10, 2025 (Requests for Admission and Interrogatories) and March 17, 2025 (Requests for Production)
- b. Second Set of Discovery Issued by Plaintiff: February 5, 2025
 - i. Defendant's Responses: Exchanged by agreement on March 10, 2025 (Requests for Admission and Interrogatories) and March 17, 2025 (Requests for Production)
- c. First Set of Discovery Issued by Defendant to Each Plaintiff: January 3, 2025
 - i. Plaintiffs' Responses: Submitted on February 3, 2025
- d. Defendant's Second Set of Requests for Production to Plaintiff Theresa Sanders: February 24, 2025
 - i. Plaintiff's Responses: Submitted April 3, 2025
- e. Defendant's Second Set of Requests for Admission to Plaintiffs: February 25, 2025
 - i. Plaintiff's Responses: Submitted March 3, 2025

III. Amount of Documents Exchanged:

- a. By Plaintiff:
 - i. PLF0000001-00000218
 - ii. KAMO 000001-000474
 - iii. IEC 0001-0017
- b. By Defendant:
 - i. GRDA 00001-00818
 - ii. KAMO 000001-000476

IV. Witnesses to be Deposed:

No depositions have been taken as of today's date.

- a. By Plaintiff: Plaintiffs' depositions are pending Defendant's responses to discovery. Plaintiffs do not anticipate deposing Plaintiffs or other landowners. However, their testimony may be valuable at trial. Plaintiffs do anticipate deposing:
 - i. Plaintiffs' expert witness in relation to historical appraisals;

- ii. Current GRDA landman and/or title attorney;
 - iii. GRDA landman and/or title attorney at the time of GRDA's initial control of the electric line once discovered;
 - iv. Representative(s) of the Board of Directors of GRDA; and
 - v. GRDA expert witness as to engineering specifications of the transmission line.
- b. By Defendant: Defendant anticipates taking the deposition of the following individuals following exchange of written discovery
- i. Plaintiff Adrian Kemohah Sanders;
 - ii. Plaintiff Mahada Bernadette Sanders;
 - iii. Plaintiff Theresa Marie Sanders;
 - iv. Plaintiff Monica Boese, purported interest holder;
 - v. Plaintiff Phil Boese, purported interest holder;
 - vi. Plaintiff Alysha Boese, purported interest holder;
 - vii. Representative of KAMO Electric Cooperative, Inc., grantee and grantor of right of way;
 - viii. Plaintiffs' expert witnesses, as identified.

For purposes of preservation of its objection, Defendant objects to the deposition of GRDA attorneys pursuant to the attorney-client privilege, work product doctrine, and *Shelton*.

V. Subpoenas and Open Records Requests Issued:

- a. By Plaintiff:
- i. Subpoena to KAMO Electric Cooperative, Inc. – January 23, 2025
Response: Received (474 pages)
 - ii. Subpoena to Indian Electric Cooperative, Inc. – February 10, 2025
Response: Received (17 pages)
- b. By Defendant:
- i. Freedom of Information Act ("FOIA") Request to Bureau of Indian Affairs – Eastern Oklahoma Region – July 26, 2024
Response: August 5, 2024 - no responsive records available
 - ii. FOIA Request to Bureau of Indian Affairs – August 13, 2024
Response: August 14, 2024 – no documents provided; marked as "closed."
 - iii. Three (3) FOIA Requests to Bureau of Indian Affairs – January 9, 2025

Responses: No documents provided.

1. DOI-BIA-2025-002901: February 4, 2025 – Denied; stated reason “Your request does not adequately describe the records sought.”
2. DOI-BIA-2025-002902: February 4, 2025 – Denied; stated reason “Your request does not adequately describe the records sought.”
3. DOI-BIA-2025-002903: February 4, 2025 – Denied; stated reason “Your request does not adequately describe the records sought.”

- iv. Subpoena *Duces Tecum* issued to KAMO Electric Cooperative, Inc. – January 13, 2025

Response: Received (476 pages)

- v. FOIA Request to Bureau of Land Management – January 23, 2025

Response: Received (9 pages)

- vi. FOIA Request to Office of Secretary of Interior – January 23, 2025

Response: January 24, 2025 – Request redirected to Bureau of Indian Affairs (Justin Davis) and National Records Center. No documents received.

- vii. FOIA Request to National Records Center – January 27, 2025

Response: No documents received.

- viii. FOIA Request to Bureau of Indian Affairs – January 28, 2025

Response: DOI-BIA-2025-003331: February 4, 2025 – Denied with no documents received; stated reason “Your request does not adequately describe the records sought.”

- ix. Subpoena *Duces Tecum* to GTP Acquisition Partners II, LLC – February 24, 2025

Response: Due March 7, 2025, no documents or response received.

VI. Contemplated Discovery Issues:

- i. Parties and claims to be added?

1. By Plaintiffs:
 - a. Claims against impleaded third-party defendant KAMO.
2. By Defendants:

- a. All additional parties and claims have been added.¹
- ii. Inspection: Defendant has conducted a survey of the power lines and inspection of the property. The boundary survey and at-issue easement survey have been produced. The documents concerning sale and transfer of Fred G. Drummond Ranches, Inc.'s interest to the at issue strips of land will be produced upon resolution of that sale and transfer.

¹ Noah Kemohah is presently an owner of the subject property, and was required to be added in an action to condemn the land. GRDA understands that Noah Kemohah has started the process to transfer his interest to Theresa Marie Sanders, and substitution may be appropriate at that time. Further, an agreement has been reached with Fred G. Drummond Ranches, Inc. to sell the interest at issue in the condemnation action to GRDA, and GRDA anticipates dismissal of Fred. G. Drummond Ranches, Inc. upon official transfer of that interest.

Respectfully submitted,

/s/Noah J. Kemohah

Noah J. Kemohah

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-and-

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